IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO. 224 OF 2000.

Mr. Shrikant Vasudev Naik,
r/o H. No. 956 A, Tariche
Bhat, Shivolim, Bardez Goa. ... Petitioner.

Versus

Kadamba Transport Corporation
Ltd., with Head Office at
Panjim, Goa. ... Respondent.

Mr. S.D. Lotlikar, Senior Advocate with Ms. S. Naik,
Advocate for the Petitioner.

Mr. S.G. Dessai, Senior Advocate with Mr. D.B. Ambekar,
Advocate for the Respondent.

Coram : N.N. MHATRE AND
P.V. HARDAS, JJ.

Date : 4th March 2004.

ORAL JUDGMENT (PER HARDAS, J.)

This petition has been filed praying for issuance of a writ of certiorari for quashing and setting aside the Resolution No. 39 of 2000 of the respondent Corporation, dated 23rd June 2000, published in the local newspaper. This petition also prays for a writ of mandamus directing the respondent to consider the petitioner's case for promotion to the post of General Manager as per the Rules existing at the time the post fell vacant.

2. It is not necessary for us to advert to the facts, as Mr. Dessai, the learned senior counsel appearing on behalf of the respondent Corporation has stated before us that the petitioner would be considered

for appointment to the post of General Manager of the respondent Corporation, which vacancy arose on 1st January 1996, as per the 1982 Rules and not as per the Amended Rules of 2000. This statement made on behalf of the respondent Corporation is accepted by us and, in reality, works out the entire petition. Mr. Dessai, the learned senior counsel, has also submitted before us that the case of the petitioner was considered, no doubt under the new Rules, and the recommendations of the Departmental Promotion Committee have been kept by the respondent Corporation in a sealed cover. The respondent Corporation is free to open the sealed cover and examine the recommendations of the Departmental Promotion Committee but, as per the statement of the respondent Corporation, the petitioner should be considered for promotion as per the Recruitment Rules of 1982. In view of this, it is not necessary for us to examine the case for quashing the Resolution of the Corporation and for quashing the advertisement.

3. The petition is, thus, allowed. Rule is made absolute accordingly with no order as to costs.

(NISHITA MHATRE)
JUDGE.

(P.V. HARDAS)
JUDGE.

ed's.